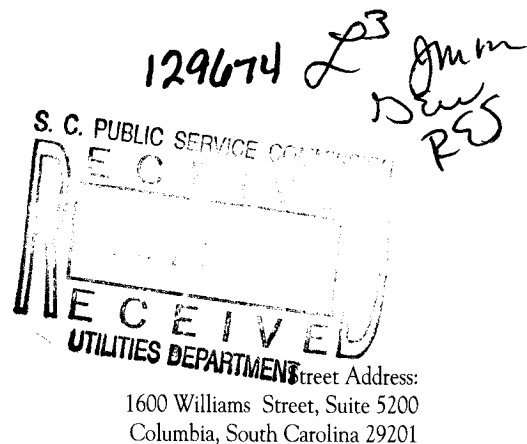


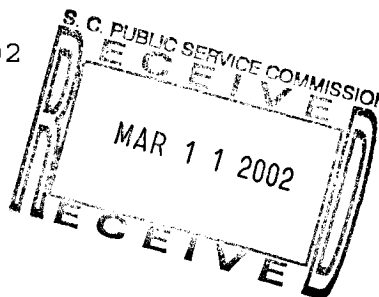


Post Office Box 752
Columbia, South Carolina 29202-0752
Telephone: 803/401-2900
Fax: 803/254-1731
E-mail: caroline.watson@bellsouth.com
IPager: cwatson2@imcingular.com

Caroline N. Watson
General Counsel - South Carolina



March 11, 2002



The Honorable Gary E. Walsh
Executive Director
Public Service Commission of SC
Post Office Drawer 11649
Columbia, South Carolina 29211

Re: Application of BellSouth Telecommunications, Inc. to
Provide In-Region InterLATA Services Pursuant to
Section 271 of the Telecommunications Act of 1996
Docket No. 2001-209-C

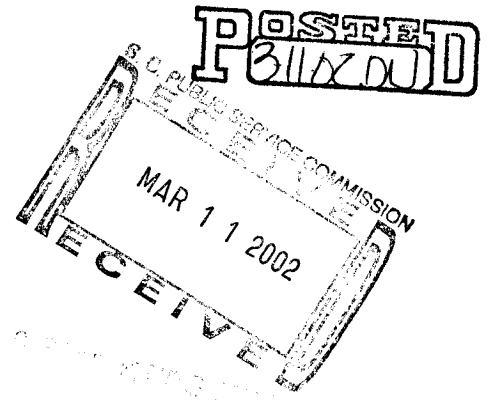
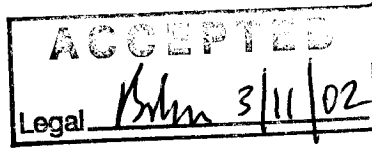
Dear Mr. Walsh:

Enclosed please find for filing an original and 15 copies
of BellSouth's Motion for Reconsideration of Order No. 2002-77.
By copy of this letter, I am serving all parties of record with
a copy of this pleading as indicated on the attached Certificate
of Service.

Sincerely,

Caroline N. Watson

CNW/nml
Enclosure
cc: All Parties of Record



BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2001-209-C

IN RE:)
)
Application of BellSouth)
Telecommunications, Inc. to)
Provide In-Region InterLATA)
Services Pursuant to Section)
271 of the Telecommunications)
Act of 1996)
_____)

BELLSOUTH'S MOTION FOR
RECONSIDERATION OF
ORDER NO. 2002-77

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to 26 S.C.Code Ann.Reg. 103-881 (Supp. 1998), S.C. Code Ann. § 58-9-1200 (1976), and other applicable provisions of this Commission's Rules of Practice and Procedure, hereby moves for an order requesting the Public Service Commission of South Carolina ("Commission") to reconsider portions of Order No. 2002-77, dated February 14, 2002, and received by BellSouth on February 22, 2002.

BellSouth respectfully requests that the Commission reconsider two limited issues in its decision. First, BellSouth requests that the Commission reconsider its decision to make the new Change Control Process ("CCP") measure a Tier 1 penalty as opposed to a Tier 2 penalty. Second, BellSouth requests that the

RETURN DATE: 06/01
SERVICE: 06/01

Commission include certain clarifying language in its order to reconcile its decisions on recovery of loop additive costs in this docket and in the UNE Cost Docket.

In its Order, the Commission approved the Self-Effectuating Enforcement Plan ("SEEM") proposed by BellSouth with specified exceptions. First, the Commission ordered that BellSouth rename its SEEM to the "Incentive Payment Plan" ("IPP"). Second, the Commission ordered that the IPP will be effective upon BellSouth's 271 approval by the FCC in South Carolina. (Order No. 2002-77, Docket No. 2001-209-C). Third, the Commission ordered BellSouth to "implement a metric assessing BellSouth's responsiveness to CLEC-initiated changes submitted to the CCP. Further, the Commission orders BellSouth to include at least one payment category for the effectiveness of the CCP under Tier 1 of the IPP." (Order No. 2002-77, p.70)

It is the third set of modifications to the SEEM for which BellSouth seeks reconsideration. Specifically, BellSouth requests that the Commission reconsider its decision to require BellSouth to pay Tier 1 penalties on the new CCP measurement. Because the CCP is an industry-wide and region-wide forum, the appropriate penalty for any CCP measure is a Tier 2 penalty. For the reasons set forth below, BellSouth moves this Commission to reconsider its decision that the new CCP measurement will have a Tier 1 penalty, and order instead that a Tier 2 penalty be assessed.

With respect to the loop additive, BellSouth requests that the Commission add language clarifying that while a ULM additive charge is consistent with Section 271 compliance, the Commission denied BellSouth's request to recover such a charge in Docket No. 2001-65-C.

DISCUSSION

A. Tier 2 Penalty For CCP Measure

Under the IPP, there are two types of penalty payments - a Tier 1 payment and a Tier 2 payment. Tier 1 penalties are self-executing liquidated damages paid directly to the CLEC when BellSouth delivers non-compliant performance on any Tier 1 measurement. Tier 2 penalties, on the other hand, are assessments paid directly to the Commission or its designee. Tier 1 penalties address CLEC-specific harms; Tier 2 penalties address harm to the CLEC industry as a whole.

The CCP measure ordered by the Commission should be a Tier 2 measure. The CCP measure that the Commission has ordered BellSouth to implement addresses BellSouth's performance with respect to the CCP. The CCP is an industry-wide forum that is open to CLECs that operate in any of BellSouth's nine states. The industry participants propose changes to the CLEC interfaces to BellSouth's operating systems; changes which are then prioritized by the participants and implemented in a software release that affect CLECs as a group and region-wide.

While an individual CLEC may propose a change, the proposed change is considered and prioritized by all members of the CCP. Once the change request is submitted into the CCP, therefore, it becomes an industry change request, not a request of an individual CLEC. Thus, if BellSouth fails to meet the implementation date on that change request, BellSouth has failed to meet a commitment to the industry as a whole.

There are several practical reasons why including a CCP penalty in Tier 1 is inappropriate. First, the Tier 2 penalty will provide BellSouth with an incentive, in addition to those incentives that already exist, to be responsive to CLEC-initiated change requests. There is no increased incentive achieved for addressing CLEC-initiated changes submitted to the CCP by including the CCP measurement as part of Tier 1 of the IPP. Second, there are CLECs who do not operate in South Carolina that are active participants of the CCP and that submit change requests to the CCP. If a Tier 1 penalty is applied to the CCP measure, it is possible that BellSouth would be ordered to pay a penalty by the SCPSC to an individual CLEC that does not even operate in South Carolina. This difficulty is remedied by using a Tier 2 penalty as opposed to a Tier 1 penalty.

Finally, measurements ordered in one state are often considered as candidates for inclusion in another state's measurement plan. Thus, a CCP measurement with a Tier 1 enforcement mechanism in South Carolina could eventually be

adopted by other states in the BellSouth region. In such a situation, a CLEC with operations in multiple BellSouth states would receive multiple penalties for the same failure(i.e. BellSouth could be ordered to pay CLEC A nine times for the same miss).

In summary, BellSouth does not dispute the Commission's finding that the new CCP measure ordered by the Commission should be included in the IPP. BellSouth does respectfully request, however, that the penalty associated with the CCP measurement should be a Tier 2 penalty rather than a Tier 1 penalty.

B. Clarifying Language For Loop Additive

In Docket No. 2001-65-C, the UNE Cost Docket, the Commission denied BellSouth's request to recover a ULM additive charge. In order to ensure that the Order in this case is consistent with the Commission's decision in the UNE Docket, BellSouth proposes that the Commission include the following language in its Section 271 Order:

While a ULM additive charge is consistent with Section 271 compliance, the Commission denied BellSouth's request to recover the ULM additive charge in Docket No. 2001-65-C. The Commission's decision to deny the charge should address the CLEC concerns voiced in the Section 271 proceeding.

CONCLUSION

WHEREFORE, for the reasons set forth above, BellSouth moves this Commission to reconsider its decision to apply a Tier 1 penalty to the new CCP measurement and order instead that a Tier 2 penalty be applied. Second, BellSouth requests that the Commission include the above-stated clarifying language on loop additive to its Order.

Respectfully submitted,



Caroline N. Watson
BellSouth Telecommunications, Inc.
Suite 5200 - 1600 Williams Street
Columbia, South Carolina 29201
(803) 401-2900

Fred J. McCallum, Jr.
Lisa S. Foshee
BellSouth Telecommunications, Inc.
Suite 4300 - BellSouth Center
675 West Peachtree St., N.E.
Atlanta, Georgia 30375
(404) 335-0729

William F. Austin
AUSTIN, LEWIS & ROGERS
Post Office Box 11716
Columbia, South Carolina 29211
(803) 256-4000

ATTORNEYS FOR BELL SOUTH

March 11, 2002

PC Docs # 436924 v2

STATE OF SOUTH CAROLINA)
) CERTIFICATE OF SERVICE
COUNTY OF RICHLAND)

The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for BellSouth Telecommunications, Inc. ("BellSouth") and that she has caused BellSouth's Motion for Reconsideration of Order No. 2002-77 in Docket No. 2001-209-C, to be served by the method indicated below upon the following this March 8, 2002:

Elliott F. Elam, Jr., Esquire
S. C. Department of Consumer Affairs
3600 Forest Drive, 3rd Floor
Post Office Box 5757
Columbia, South Carolina 29250-5757
(Consumer Advocate)
(U. S. Mail and Electronic Mail)

L. Hunter Limbaugh, Esquire
1426 Main Street
Suite 1301
Columbia, South Carolina 29201
(AT&T)
(U. S. Mail and Electronic Mail)

Florence P. Belser, Esquire
Deputy General Counsel
S. C. Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211
(PSC Staff)
(U. S. Mail and Electronic Mail)

Russell B. Shetterly, Esquire
Haynsworth Sinkler Boyd, P.A.
1201 Main Street
Suite 2400
Columbia, South Carolina 29201-3226
(Knology of Charleston and Knology of
South Carolina, Inc.)
(U. S. Mail and Electronic Mail)

Darra W. Cothran, Esquire
Woodward, Cothran & Herndon
1200 Main Street, 6th Floor
Post Office Box 12399
Columbia, South Carolina 29211
(MCI WorldCom Network Service, Inc.
MCI WorldCom Communications and
MCImetro Access Transmission Services,
Inc.)
(U. S. Mail and Electronic Mail)

John F. Beach, Esquire
John J. Pringle, Jr., Esquire
Beach Law Firm
1321 Lady Street, Suite 310
Post Office Box 11547
Columbia, South Carolina 29211-1547
(Resort Hospitality Services, Inc.,
NuVox Communications, Inc. and AIN)
(U. S. Mail and Electronic Mail)

Marsha A. Ward, Esquire
Kennard B. Woods, Esquire
MCI WorldCom, Inc.
Law and Public Policy
6 Concourse Parkway, Suite 3200
Atlanta, Georgia 30328
(MCI)
(U. S. Mail and Electronic Mail)

Frank R. Ellerbe, Esquire
Bonnie D. Shealy, Esquire
Robinson, McFadden & Moore, P.C.
1901 Main Street, Suite 1500
Post Office Box 944
Columbia, South Carolina 29202
(NewSouth Communications Corp., SCCTA
and SECCA and KMC Telecom III, Inc.)
(U. S. Mail and Electronic Mail)

Genevieve Morelli
Andrew M. Klein
Kelley, Drye & Warren, LLP
1200 19th Street, N.W.
Washington, D.C. 20036
(KMC Telecom III, Inc.)
(U. S. Mail and Electronic Mail)

John D. McLaughlin, Jr.
Director, State Government Affairs
KMC Telecom, Inc.
1755 North Brown Road
Lawrenceville, GA 30043
(KMC Telecom)
(U. S. Mail and Electronic Mail)

Jack H. Derrick
Senior Attorney
141111 Capital Blvd.
Wake Forest, NC 27587-5900
(Sprint/United Telephone)
(U. S. Mail and Electronic Mail)

Scott A. Elliott, Esquire
Elliott & Elliott
721 Olive Street
Columbia, South Carolina 29205
(Sprint/United Telephone)
(U. S. Mail and Electronic Mail)

Marty Bocock, Esquire
Director of Regulatory Affairs
1122 Lady Street, Suite 1050
Columbia, South Carolina 29201
(Sprint/United Telephone Company)
(U. S. Mail and Electronic Mail)

Faye A. Flowers, Esquire
Parker Poe Adams & Bernstein LLP
1201 Main Street, Suite 1450
Columbia, South Carolina 29202
(US LEC)
(U. S. Mail and Electronic Mail)

William R. Atkinson, Esquire
3100 Cumberland Circle
Cumberland Center II
Atlanta, Georgia 30339-5940
(Sprint Communications Company L.P.)
(U. S. Mail and Electronic Mail)

Andrew O. Isar
Director - State Affairs
7901 Skansie Avenue, Suite 240
Gig Harbor, WA 98335
(ASCENT)
(U. S. Mail and Electronic Mail)

Nanette Edwards, Esquire
ITC^DeltaCom Communications, Inc.
4092 S. Memorial Parkway
Huntsville, Alabama 25802
(U. S. Mail and Electronic Mail)

Timothy Barber, Esquire
Womble, Carlyle, Sandridge & Rice
3300 One First Union Center
301 South College
Suite 3300
Charlotte, North Carolina 20202
(AT&T)
(U. S. Mail and Electronic Mail)

Thomas Lemmer, Esquire
McKenna & Cuneo, LLP
370 Seventeenth Street, Suite 4800
Denver, CO 80202
(AT&T)
(U. S. Mail and Electronic Mail)

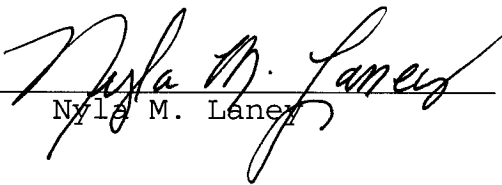
Traci Vanek, Esquire
McKenna & Cuneo, LLP
1900 K Street, N.W.
Washington, DC 20006
(AT&T)
(U. S. Mail and Electronic Mail)

Tami Azorsky, Esquire
McKenna & Cuneo, LLP
1900 K Street, N.W.
Washington, DC 20006
(AT&T)
(U. S. Mail and Electronic Mail)

Michael Hopkins, Esquire
McKenna & Cuneo, LLP
1900 K Street, N.W.
Washington, DC 20006
(AT&T)
(U. S. Mail and Electronic Mail)

William Prescott, Esquire
1200 Peachtree Street, N.E.
Suite 8100
Atlanta, Georgia 30309
(AT&T)
(U. S. Mail and Electronic Mail)

John A. Doyle, Jr., Esquire
Parker, Poe, Adams & Bernstein, L.L.P.
150 Fayetteville Street Mall, Suite 1400
Raleigh, North Carolina 27602
(US LEC of South Carolina)
(U. S. Mail and Electronic Mail)



Nyla M. Laney

PC Docs # 401224